

CHAPTER 1240

APPROPRIATIONS — JUSTICE SYSTEM

S.F. 2348

AN ACT relating to and making appropriations to the justice system for the fiscal year beginning July 1, 1992, and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. DEPARTMENT OF JUSTICE. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the general office of attorney general for salaries, support, maintenance, miscellaneous purposes including odometer fraud enforcement, the farm mediation service program, and legal assistance for farmers, and for not more than the following full-time equivalent positions:

.....	\$	4,565,796
.....	FTEs	173.00

The attorney general shall provide statistics regarding the number of clients served by the farm mediation service, the clients' general financial characteristics, and benefits provided by the farm mediation service to the co-chairpersons and ranking members of the joint justice system appropriations subcommittee and the legislative fiscal bureau on or before January 15, 1993.

2. Prosecuting attorney training program for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	133,074
.....	FTEs	4.75

a. In addition to the funds appropriated in this subsection for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the attorney general shall provide up to \$41,000 in state matching funds from moneys retained by the attorney general from property forfeited pursuant to section 809.13, for the prosecuting attorney training program, the prosecuting intern program, or both. Counties participating in the prosecuting intern program shall match the state funds.

b. In addition to the funds appropriated in this subsection for the fiscal year beginning July 1, 1992, and ending June 30, 1993, and the moneys retained by the attorney general pursuant to paragraph "a", the attorney general shall provide up to \$10,000 in state matching funds from moneys retained by the attorney general from property forfeited pursuant to section 809.13, for the office of the prosecuting attorneys training coordinator to use for continuation of the domestic violence response enhancement program.

The domestic violence response enhancement program shall include research, training, and other services pertaining to the investigation and prosecution of domestic abuse assault, as defined in section 708.2A. The prosecuting attorneys training coordinator shall cooperate and consult with the Iowa coalition against domestic violence, the office of the attorney general, the department of public safety, the Iowa law enforcement academy, the division of criminal and juvenile justice planning of the department of human rights, and other public and private agencies in the continuation of this program. Components of the program shall include, but are not limited to, the following:

(1) Updating and revising, as necessary, the domestic abuse prosecution manual previously published by the office of the prosecuting attorneys training coordinator.

(2) Training events concerning pertinent laws, policies, and procedures relating to domestic abuse for prosecuting attorneys on either a regional or statewide basis, which shall be open to peace officers and other interested professionals.

(3) Preparing and distributing brochures to assist victims of domestic violence in becoming fully advised of their rights and services that are available to victims.

(4) Studying the development and promulgation of comprehensive enforcement and prosecution policies to improve the criminal justice system response to, as well as the just disposition of, domestic violence matters.

(5) Coordinating the efforts of prosecuting attorneys and domestic abuse victims' advocates or other victims' advocates, where available, and facilitating the early provision of victim advocacy services.

3. In addition to the funds appropriated under subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1992, and ending June 30, 1993, an amount not exceeding \$200,000 to be used for the enforcement of the Iowa competition law. The expenditure of the funds appropriated in this subsection is contingent upon receipt by the general fund of the state of an amount at least equal to either the expenditures from damages awarded to the state or a political subdivision of the state by a civil judgment under chapter 553, if the judgment authorizes the use of the award for enforcement purposes or costs or attorneys fees awarded the state in state or federal antitrust actions. However, if the funds received as a result of these judgments are in excess of \$200,000, the excess funds shall not be appropriated to the department of justice pursuant to this subsection.

4. In addition to the funds appropriated in subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1992, and ending June 30, 1993, an amount not exceeding \$125,000 to be used for public education relating to consumer fraud and for enforcement of section 714.16, and an amount not exceeding \$75,000 for investigation, prosecution, and consumer education relating to consumer and criminal fraud against older Iowans. The expenditure of the funds appropriated in this subsection is contingent upon receipt by the general fund of the state of an amount at least equal to the expenditures from damages awarded to the state or a political subdivision of the state by a civil consumer fraud judgment or settlement, if the judgment or settlement authorizes the use of the award for public education on consumer fraud. However, if the funds received as a result of these judgments and settlements are in excess of \$200,000, the excess funds shall not be appropriated to the department of justice pursuant to this subsection.

5. For victim assistance grants:

..... \$ 1,294,500

The funds appropriated in this subsection shall be used to provide grants to care providers providing services to crime victims of domestic abuse or to crime victims of rape and sexual assault.

Notwithstanding section 8.33 or 8.39, any balance remaining from the appropriation made pursuant to this subsection shall not revert to the general fund of the state but shall be available for expenditure during the subsequent fiscal year for the same purpose, and shall not be transferred to any other program.

6. For the GASA prosecuting attorney program:

..... \$ 100,039
..... FTEs 3.00

7. The balance of the victim compensation fund established under section 912.14 may be used to provide salary and support of not more than 7.00 FTEs and to provide maintenance for the victim compensation functions of the department of justice.

8. The department of justice shall submit monthly financial statements to the legislative fiscal bureau and the department of management containing all appropriated accounts in the same manner as provided in the monthly financial status reports and personal services usage reports of the department of revenue and finance. The monthly financial statements shall include comparisons of the moneys and percentage spent of budgeted to actual revenues and expenditures on a cumulative basis for full-time equivalent positions and available moneys.

Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is appropriated from the general fund of the state to the office of consumer advocate of the department of justice for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,943,708
.....	FTEs	32.00

Sec. 3. BOARD OF PAROLE. There is appropriated from the general fund of the state to the board of parole for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, including maintenance of an automated docket and the board's automated risk assessment model, employment of two statistical research analysts to assist with the application of the risk assessment model in the parole decision-making process, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	718,320
.....	FTEs	18.00

a. The board of parole shall require the board's administrative staff to be cross-trained to assure that each individual on that staff is familiar with all tasks performed by the staff.

b. The department of corrections and the board of parole shall review, and implement as necessary, the findings and recommendations contained in the final report prepared by the consultant and presented to the corrections system review task force which was established by 1988 Iowa Acts, chapter 1271, as they relate to the department of corrections and the board of parole. The board shall report to the joint justice system appropriations subcommittee during the 1993 session of the general assembly, at the request of the subcommittee, steps taken to implement any of the recommendations, or the reasons for failing to implement the recommendations.

Sec. 4. DEPARTMENT OF CORRECTIONS — FACILITIES. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the operation of adult correctional institutions, to be allocated as follows:

a. For the operation of the Fort Madison correctional facility, including salaries, support, maintenance, employment of 310 correctional officers, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	21,036,470
.....	FTEs	494.50

b. For the operation of the Anamosa correctional facility, including salaries, support, maintenance, employment of 211 correctional officers and a part-time chaplain to provide religious counseling to inmates of a minority race, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	15,644,078
.....	FTEs	352.00

Moneys are provided within this appropriation for 2 full-time substance abuse counselors for the Luster Heights facility, for the purpose of certification of a substance abuse program at that facility.

c. For the operation of the Oakdale correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	14,177,914
.....	FTEs	320.80

d. For the operation of the Newton correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	4,857,929
.....	FTEs	110.25

e. For the operation of the Mt. Pleasant correctional facility, including salaries, support, maintenance, employment of 141 correctional officers and a full-time chaplain to provide religious counseling at the Oakdale and Mt. Pleasant correctional facilities, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	11,143,365
.....	FTEs	261.34

f. For the operation of the Rockwell City correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	4,860,429
.....	FTEs	108.00

g. For the operation of the Clarinda correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	5,356,329
.....	FTEs	136.20

h. For the operation of the Mitchellville correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	5,355,474
.....	FTEs	132.50

2. The department of corrections shall provide a report to the co-chairpersons and ranking members of the joint justice system appropriations subcommittee and the legislative fiscal bureau on or before January 15, 1993, outlining the implementation of the centralized education program for the correctional system. The report shall include a listing of the educational institutions that are involved, the amount of any federal funds received for use with these programs, and any other pertinent information.

3. If the inmate tort claim fund for inmate claims of less than \$50 is exhausted during the fiscal year, sufficient funds shall be transferred from the institutional budgets to pay approved tort claims for the balance of the fiscal year. The warden or superintendent of each institution or correctional facility shall designate an employee to receive, investigate, and recommend whether to pay any properly filed inmate tort claim for less than the above amount. The designee's recommendation shall be approved or denied by the warden or superintendent and forwarded to the department of corrections for final approval and payment. The amounts appropriated to this fund pursuant to 1987 Iowa Acts, chapter 234, section 304, subsection 2, are not subject to reversion under section 8.33.

Tort claims denied at the institution shall be forwarded to the state appeal board for their consideration as if originally filed with that body. This procedure shall be used in lieu of chapter 25A for inmate tort claims of less than \$50.

Sec. 5. DEPARTMENT OF CORRECTIONS — ADMINISTRATION. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For general administration, including salaries, support, maintenance, employment of an education director and clerk to administer a centralized education program for the correctional system, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,014,344
.....	FTEs	41.52

The department shall monitor the use of the classification model by the judicial district departments of correctional services and has the authority to override a district department's decision regarding classification of community-based clients. The department shall notify a district department of the reasons for the override.

2. For reimbursement of counties for temporary confinement of work release and parole violators, as provided in sections 246.908, 901.7, and 906.17 and for offenders confined pursuant to section 246.513:

..... \$ 241,875

3. For federal prison reimbursement, reimbursements for out-of-state placements, and miscellaneous contracts:

..... \$ 348,300

The department of corrections shall use funds appropriated by this subsection to continue to contract for the services of a Muslim imam.

4. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions at the correctional training center at Mt. Pleasant:

..... \$ 361,988

..... FTEs 8.19

5. For annual payment relating to the financial arrangement for the construction of expansion in prison capacity as provided in 1989 Iowa Acts, chapter 316, section 7, subsection 6:

..... \$ 625,860

6. For annual payment relating to the financial arrangement for the construction of expansion in prison capacity as provided in 1990 Iowa Acts, chapter 1257, section 24:

..... \$ 3,169,163

Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL SERVICES.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amounts, or so much thereof as is necessary, to be allocated as follows:

a. For the first judicial district department of correctional services, the following amount, or so much thereof as is necessary:

..... \$ 5,525,572

(1) The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "a", and the sex offender treatment program established within the district in 1989 Iowa Acts, chapter 316, section 8, subsection 1, paragraph "a".

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

b. For the second judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 4,279,499

(1) The district department shall continue the sex offender treatment program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "b".

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

c. For the third judicial district department of correctional services, the following amount, or so much thereof as is necessary:

..... \$ 2,757,653

(1) The district department shall continue the sex offender treatment program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "c", and the intensive supervision program established within the district in 1990 Iowa Acts, chapter 1268, section 6, subsection 3, paragraph "d".

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

d. For the fourth judicial district department of correctional services, the following amount, or so much thereof as is necessary:

..... \$ 1,899,653

(1) The district department shall continue the sex offender treatment program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "d".

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

e. For the fifth judicial district department of correctional services, the following amount, or so much thereof as is necessary:

..... \$ 7,484,221

(1) The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "e", and shall continue to provide for the rental of electronic monitoring equipment.

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

f. For the sixth judicial district department of correctional services, the following amount, or so much thereof as is necessary:

..... \$ 5,531,365

(1) The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "f", and the sex offender treatment program established within the district in 1989 Iowa Acts, chapter 316, section 8, subsection 1, paragraph "f".

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

g. For the seventh judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 3,913,737

(1) The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "g", and shall continue the sex offender treatment program established within the district in 1989 Iowa Acts, chapter 316, section 8, subsection 1, paragraph "g".

(2) The district department shall continue the job development program established within the district in 1990 Iowa Acts, chapter 1268, section 6, subsection 7, paragraph "e".

(3) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

h. For the eighth judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 3,364,777

(1) The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "h", and shall continue the sex offender treatment program established within the district in 1989 Iowa Acts, chapter 316, section 8, subsection 1, paragraph "h".

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

i. For the department of corrections for the assistance and support of each judicial district department of correctional services, the following amount, or so much thereof as is necessary:

..... \$ 88,098

2. The department of corrections shall continue the OWI facilities established in 1986 Iowa Acts, chapter 1246, section 402, in compliance with the conditions specified in that section.

3. The department of corrections shall continue to contract with a judicial district department of correctional services to provide for the rental of electronic monitoring equipment which shall be available statewide.

4. Each judicial district department of correctional services and the department of corrections shall continue the treatment alternatives to street crime programs established in 1989 Iowa Acts, chapter 225, section 9.

5. The first, sixth, and eighth judicial district departments of correctional services and the department of corrections shall continue the job training and development grant programs established in 1989 Iowa Acts, chapter 316, section 7, subsection 2.

6. The department of corrections shall not make an intradepartmental transfer of moneys appropriated to the department, unless notice of the intradepartmental transfer is given prior to its effective date to the legislative fiscal bureau. The notice shall include information on the department's rationale for making the transfer and details concerning the work load and performance measures upon which the transfers are based.

7. The governor's alliance on substance abuse shall consider federal grants made to the department of corrections for the benefit of each of the eight judicial district departments of correctional services as local government grants, as defined pursuant to federal regulations.

Sec. 7. JUDICIAL DEPARTMENT. There is appropriated from the general fund of the state to the judicial department for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries of supreme court justices, appellate court judges, district court judges, district associate judges, judicial magistrates and staff, state court administrator, clerk of the supreme court, district court administrators, clerks of the district court, including fully compensating clerks of the district court, trial court supervisors, trial court technicians II, and financial supervisors I and II for the full 40-hour workweek, juvenile court officers, board of law examiners and board of examiners of shorthand reporters and judicial qualifications commission, receipt and disbursement of child support payments, reimbursement of the auditor of state for expenses incurred in completing audits of the offices of the clerks of the district court during the fiscal year beginning July 1, 1992, and maintenance, equipment, and miscellaneous purposes:

..... \$ 73,203,747

a. The judicial department, except for purposes of internal processing, shall use the current state budget system, the state payroll system, and the Iowa finance and accounting system in administration of programs and payments for services, and shall not duplicate the state payroll, accounting, and budgeting systems.

b. The judicial department shall submit monthly financial statements to the legislative fiscal bureau and the department of management containing all appropriated accounts in the same manner as provided in the monthly financial status reports and personal services usage reports of the department of revenue and finance. The monthly financial statements shall include a comparison of the dollars and percentage spent of budgeted versus actual revenues and expenditures on a cumulative basis for full-time equivalent positions and dollars.

c. It is the intent of the general assembly that counties installing new telephone systems shall provide those systems to all judicial department offices within the county at no cost.

d. Of the funds appropriated in this subsection, not more than \$1,800,000 may be transferred into the revolving fund established pursuant to section 602.1302, subsection 3, to be used for the payment of jury and witness fees and mileage.

2. For the juvenile victim restitution program:

..... \$ 100,000

*3. For the implementation of the pilot program for mandatory mediation of contested issues of child custody and visitation established in this Act:

..... \$ 100,000*

Sec. 8. IOWA COURT INFORMATION SYSTEM. There is appropriated from the general fund of the state to the judicial department for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the Iowa court information system:

..... \$ 875,000

a. The judicial department shall not change the appropriations from the amounts appropriated under this section, unless notice of the revisions is given prior to their effective date to the legislative fiscal bureau. The notice shall include information on the department's rationale for making the changes and details concerning the work load and performance measures upon which the changes are based.

b. The judicial department shall provide a report semiannually to the co-chairpersons and ranking members of the joint justice system appropriations subcommittee and the legislative fiscal bureau specifying the amounts of fines, surcharges, and court costs collected using the Iowa court information system. The report shall demonstrate and specify how the Iowa court information system is used to improve the collection process. The report shall also compare fines, surcharges, and court costs collected in selected counties which are using an automated system versus at least three counties which are not using an automated system.

Sec. 9. AUTOMATED DATA SYSTEM. The department of corrections, judicial district departments of correctional services, board of parole, and the judicial department shall continue to develop an automated data system for use in the sharing of information between the department of corrections, judicial district departments of correctional services, board of parole, and the judicial department. The information to be shared shall concern any individual who may, as the result of an arrest or infraction of any law, be subject to the jurisdiction of the department of corrections, judicial district departments of correctional services, or board of parole.

Sec. 10. PLACEMENTS FOR ELDERLY OR INFIRM INMATES. The department of corrections, department of public health, department of human services, department of elder affairs, and department of inspections and appeals shall cooperate in developing community-based placements for elderly or infirm inmates who, by nature of their medical and criminal histories, are deemed to be low-risk for committing future public offenses. Community-based placements may include, but are not limited to, county care facilities, retirement homes, or veterans homes. The departments shall consider the potential for these community-based placement facilities to obtain federal funds for providing services to these inmates. The department of corrections shall develop a parole plan for these inmates once a community-based placement has been developed.

Sec. 11. NEW SECTION. 2.12A LEGAL EXPENSES REVIEWED BY THE COURT.

If a member or members of the general assembly are involved in court proceedings on behalf of the general assembly, and are represented by an attorney who is not an employee of the state, and the legislative council determines that the reasonable expense of the court proceedings, including reasonable attorneys' fees, shall be paid from funds in the state treasury appropriated pursuant to section 2.12, at the conclusion of the court proceedings, the court shall review the fees charged to the state to determine if the fees are fair and reasonable. The legislative council shall not reimburse attorneys' fees in excess of those determined by the court to be fair and reasonable.

Sec. 12. Section 13.3, Code 1991, is amended to read as follows:

*Item veto; see message at end of the Act

13.3 DISQUALIFICATION — SUBSTITUTE.

1. If, for any reason, the attorney general be disqualified from appearing in any action or proceeding, the executive council shall appoint some suitable person for that purpose and defray the reasonable expense thereof from any unappropriated funds in the state treasury. The department involved in the action or proceeding shall be requested to recommend a suitable person to represent it the department and when the executive council concurs in the recommendation, the person recommended shall be appointed.

2. If the governor or a department is represented by an attorney other than the attorney general in a court proceeding as provided in this section, at the conclusion of the court proceedings, the court shall review the fees charged to the state to determine if the fees are fair and reasonable. The executive council shall not reimburse attorneys' fees in excess of those determined by the court to be fair and reasonable.

**Sec. 13. Section 13.25, Code 1991, is amended to read as follows:*

13.25 REPEAL OF FARM MEDIATION AND LEGAL ASSISTANCE PROVISIONS.
*This subchapter is repealed on July 1, 1993 1995.**

**Sec. 14. Section 218.94, Code 1991, is amended to read as follows:*

218.94 DIRECTOR MAY BUY AND SELL REAL ESTATE — OPTIONS.

1. *The director of the department of human services shall have full power to secure options to purchase real estate, to acquire and sell real estate, and to grant utility easements, for the proper uses of said the institutions, except as otherwise provided in subsection 3. Real estate shall be acquired and sold and utility easements granted, upon such terms and conditions as the director may determine, except that the sale of farmland shall be subject to approval by the general assembly as provided in subsection 3. Upon sale of the real estate, the proceeds shall be deposited with the treasurer of state and credited to the general fund of the state. There is hereby appropriated from the general fund of the state a sum equal to the proceeds so deposited and credited to the general fund of the state to the department of human services, which may be used to purchase other real estate or for capital improvements upon property under the director's control.*

2. *The costs incident to securing of options, acquisition and sale of real estate and granting of utility easements, including, but not limited to, appraisals, invitations for offers, abstracts, and other necessary costs, may be paid from moneys appropriated for support and maintenance to the institution at which such real estate is located. Such fund shall be reimbursed from the proceeds of the sale.*

3. a. *As used in this section, unless the context otherwise requires, "farmland" means land suitable for agricultural purposes.*

b. *Notwithstanding any other provisions of law to the contrary, and in addition to any other restrictions that may be imposed, the director shall not sell an interest in farmland unless the general assembly has approved the sale. Approval by the general assembly shall be obtained by passage of a joint resolution.**

**Sec. 15. Section 246.317, Code 1991, is amended to read as follows:*

246.317 DIRECTOR MAY BUY AND SELL REAL ESTATE — OPTIONS.

1. *The director, subject to the approval of the board and the requirements of subsection 3, may secure options to purchase real estate and acquire and sell real estate for the proper uses of the institutions. Real estate shall be acquired and sold upon terms and conditions the director recommends subject to the approval of the board, except that the sale of farmland shall be subject to approval by the general assembly as provided in subsection 3. Upon sale of the real estate, the proceeds shall be deposited with the treasurer of state and credited to the general fund of the state. There is appropriated from the general fund of the state to the department a sum equal to the proceeds so deposited and credited to the general fund of the state which may be used to purchase other real estate or for capital improvements upon property under the director's supervision.*

*Item veto; see message at end of the Act

2. *The costs incident to the securing of options and acquisition and sale of real estate including, but not limited to, appraisals, invitations for offers, abstracts, and other necessary costs, may be paid from moneys appropriated for support and maintenance to the institution at which the real estate is located. The fund shall be reimbursed from the proceeds of the sale.*

3. a. As used in this section, unless the context otherwise requires, "farmland" means land suitable for agricultural purposes.

b. Notwithstanding any other provisions to the contrary, and in addition to any other restrictions that may be imposed, the director shall not sell an interest in farmland unless the general assembly has approved the sale. Approval by the general assembly shall be obtained by passage of a joint resolution.*

**Sec. 16. Section 246.706, unnumbered paragraph 1, Code Supplement 1991, is amended to read as follows:*

*A revolving farm fund is created in the state treasury in which the department shall deposit receipts from agricultural products, nursery stock, agricultural land rentals, and the sale of livestock. However, before any agricultural operation is phased out, the department which proposes to discontinue this operation shall notify the governor, chairpersons and ranking members of the house and senate appropriations committees, and cochairpersons and ranking members of the subcommittee in the senate and house of representatives which has handled the appropriation for this department in the past session of the general assembly. Before the department sells farmland under the control of the department, the director shall notify the governor, chairpersons and ranking members of the house and senate appropriations committees, and cochairpersons and ranking members of the joint appropriations subcommittee that handled the appropriation for the department during the past session of the general assembly, and obtain approval of the general assembly as required in section 218.94, subsection 3, or section 246.317, subsection 3. The department may pay from the fund for the operation, maintenance, and improvement of farms and agricultural or nursery property under the control of the department. A purchase order for five thousand dollars or less payable from the fund is exempt from the general purchasing requirements of chapter 18. Notwithstanding section 8.33, unencumbered or unobligated receipts in the revolving farm fund at the end of a fiscal year shall not revert to the general fund of the state.**

Sec. 17. Section 261.2, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 15. Develop and implement, in cooperation with the judicial district departments of correctional services and the department of corrections, a program to assist criminal offenders in applying for federal and state aid available for higher education.

**Sec. 18. Section 598.41, subsection 2, unnumbered paragraph 2, Code 1991, is amended to read as follows:*

*The court may order the costs of custody mediation counseling shall to be paid in full or in part by the parties and taxed as court costs.**

***Sec. 19. NEW SECTION. 598.43 MEDIATION OF CHILD CUSTODY AND VISITATION DISPUTES.**

1. *In addition to joint custody mediation which may be ordered pursuant to section 598.41, subsection 2, in a proceeding under this chapter involving either a temporary or permanent child custody or visitation determination, the court may order mediation to be conducted by either a juvenile court officer or a private mediator.*

The supreme court shall prescribe rules establishing procedures to be used in mediation proceedings under this section.

2. *The court shall not require mediation if one or more of the following conditions exist:*

a. *The court determines that there is no reasonable possibility that mediation will promote settlement of the issues in dispute.*

b. *The court determines there is a substantial allegation of direct physical or significant emotional harm to a party or to a child.*

*Item veto; see message at end of the Act

c. The court determines that mediation will otherwise fail to serve the best interests of the child.

d. The court determines that a verified petition alleging domestic abuse has been filed by a party pursuant to chapter 236.

e. The court determines that a child in need of assistance petition has been filed pursuant to chapter 232, division III, concerning a child for whom a custody or visitation determination is necessary.

If the court determines that mediation is inappropriate pursuant to this subsection, the court shall state its findings and conclusions in writing.

3. All mediation proceedings shall be held in private and shall be confidential. All verbal or written communications from either or both parties to the mediator or between the parties in the presence of the mediator in a proceeding under this section are absolutely privileged and inadmissible in court, except that there shall be no privilege as to communications made in furtherance of a crime or fraud, and no grant of immunity from criminal conduct shall be inferred from the confidentiality established in this section.*

Sec. 20. Section 602.8105, subsection 1, paragraph a, Code Supplement 1991, is amended to read as follows:

a. For filing and docketing a petition other than for modification of a dissolution decree to which a written stipulation is attached at the time of filing containing the agreement of the parties to the terms of the modification, or an appeal or writ of error, fifty dollars. The fee shall be deposited in the court revenue distribution account established under section 602.8108, and shall be paid into the state treasury. Of the amount paid to the state treasury, one dollar shall be deposited in the judicial retirement fund established in section 602.9104 to be used to pay retirement benefits of the judicial retirement system, and the remainder shall be deposited in the general fund of the state. In counties having a population of ~~one hundred ninety-eight~~ thousand or over, an additional ~~five three~~ dollars shall be charged and collected, to be known as the journal publication fee and used for the purposes provided for in section 618.13.

Sec. 21. Section 618.13, Code 1991, is amended to read as follows:

618.13 PUBLICATION OF DOCKET IN CERTAIN COUNTIES.

When the petition provided for in rule of civil procedure 70 is filed with the clerk of the district court in a county of ~~one hundred ninety-eight~~ thousand population or over, the names of the parties plaintiff and defendant in such action, the description of the real estate involved, if any, except for quieting title, partition, and suits involving tax assessments, and the names of the attorneys for the plaintiff, and the docket number assigned to such case, may, in the event the majority of the judges of the judiciary district in which such county lies, so direct, be published once in a daily newspaper having a general circulation in said county; such paper to be designated by a majority of the judges of the district court. Provided, that whenever thereafter such case is assigned for trial or any other pleadings are filed therein, or court action taken with reference thereto, except general orders of court for continuations, the title of such case and kind of pleading shall be published, and if it is in an assignment for trial it shall be carried in printed assignment from day to day until final disposition.

*Sec. 22. Section 654A.17, Code 1991, is amended to read as follows:
654A.17 REPEAL OF CHAPTER.

This chapter is repealed on July 1, ~~1993~~ 1995.*

*Sec. 23. Section 654B.12, Code 1991, is amended to read as follows:
654B.12 REPEAL OF CHAPTER.

This chapter is repealed on July 1, ~~1993~~ 1995.*

Sec. 24. Section 912.4, subsection 2, Code Supplement 1991, is amended to read as follows:

2. A person is not eligible for compensation unless the crime was reported to the local police department or county sheriff department within seventy-two hours of its occurrence. If the crime cannot reasonably be reported within that time period, the crime shall have been reported within seventy-two hours of the time a report can reasonably be made. The department may waive this requirement if good cause is shown.

*Item veto; see message at end of the Act

Sec. 25. LEGISLATIVE FINDINGS. The general assembly finds that the determination of child custody and visitation arrangements in a dissolution of marriage is an issue of great importance to the social and emotional welfare of the children and parents involved and that mediation has proven to be a less adversarial means of decision making regarding child custody and visitation in a dissolution case. The general assembly finds that a pilot program of mediation relating to the issues of child custody and visitation in dissolution cases should be established under the supervision of the supreme court.

***Sec. 26. PILOT PROGRAM FOR MEDIATION OF CHILD CUSTODY AND VISITATION ISSUES IN DISSOLUTION CASES ESTABLISHED.**

1. *The supreme court shall establish a pilot program for mandatory mediation of child custody and visitation issues in dissolution cases pursuant to chapter 598. However, mediation shall not be mandatory and shall not be ordered if the conditions set forth in section 598.43, subsection 2, apply. The pilot program shall be established in Linn county for a period of two years, beginning July 1, 1992, and ending June 30, 1994.*

Proceedings under the program shall be conducted pursuant to section 598.43 and the rules for mediation proceedings prescribed by the supreme court.

2. *The supreme court shall submit a report to the general assembly by January 1, 1995. The report shall contain recommendations regarding the use of mediation in child custody and visitation matters on a statewide basis in proceedings brought under chapter 598. The report shall also include an evaluation of the program as directed by the supreme court.*

3. *In a proceeding under chapter 598 involving either a temporary or permanent child custody or visitation determination, the court shall order mediation at no cost to the parties.*

4. *Notwithstanding section 668A.1, subsection 2, paragraph "b", Code 1991, the executive council shall disburse to the state court administrator up to \$50,000 for the fiscal year beginning July 1, 1992, and ending June 30, 1993, from the civil reparations trust fund to be used for the costs of participation in the pilot program by persons who are indigent.**

Sec. 27. IOWA COURT INFORMATION SYSTEM STUDY. The legislative council is requested to establish an interim study committee to hire a consultant to provide a performance and systems analysis of the Iowa court information system. The interim study committee shall select the consultant in consultation with the judicial department. The consultant shall submit a report to the legislative council through the interim study committee, the judicial department, the co-chairpersons and ranking members of the joint justice system appropriations subcommittee, and the legislative fiscal bureau on or before December 10, 1992.

Sec. 28. EFFECTIVE DATE. Section 1, subsections 3 and 4, of this Act, relating to Iowa competition law or antitrust actions and to civil consumer fraud actions, being deemed of immediate importance, take effect upon enactment.

Approved June 3, 1992, except the items which I hereby disapprove and which are designated as Section 7, subsection 3 in its entirety; Sections 13, 14, 15, and 16 in their entirety; Sections 18 and 19 in their entirety; Sections 22 and 23 in their entirety; and Sections 25 and 26 in their entirety. My reasons for vetoing these items are delineated in the item veto message pertaining to this Act to the Secretary of State this same date, a copy of which is attached hereto.

TERRY E. BRANSTAD, Governor

*Item veto; see message at end of the Act

Dear Madam Secretary:

I hereby transmit Senate File 2348, an Act relating to and making appropriations to the justice system for the fiscal year beginning July 1, 1992, and providing an effective date.

Senate File 2348 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the items designated as Section 7, subsection 3, and Sections 18, 19, 25 and 26, in their entirety. These sections appropriate funds and establish program guidelines for a new Child Custody Pilot Program. The State has received a Federal Family Support Act grant which is being used to study such issues as mediation, family counseling and visitations. The State should review the results of this study before establishing a new program.

I am unable to approve the items designated as Sections 13, 22, and 23, in their entirety. These sections would extend the sunset on the Farmers Mediation and Farmers Legal Assistance programs from July 1, 1993, to July 1, 1995. These programs were developed to address the farm crisis of the 1980's. Extensions of these programs should be examined annually.

I am unable to approve the items designated as Sections 14, 15, and 16, in their entirety. These sections would require the Department of Human Services and the Department of Corrections to receive approval from the General Assembly prior to the sale of any farmland. These departments should retain the authority to dispose of real property under their control.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2348 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 1241

APPROPRIATIONS – HUMAN SERVICES

S.F. 2355

AN ACT relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving health care and providing for effective and applicability dates.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **AID TO FAMILIES WITH DEPENDENT CHILDREN.** There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For aid to families with dependent children: \$ 46,470,000

1. The department may fund the employee portion of the cash bonus program from unspent funds under the appropriation made in this section.

2. The department shall continue to contract for services in developing and monitoring a demonstration waiver program to facilitate providing assistance in self-employment investment to aid to dependent children families. The demonstration waiver program shall be provided for the fiscal period beginning July 1, 1992, and ending June 30, 1993, or for as long as federal approval of the program continues. Of the funds appropriated in this section, up to \$99,400